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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,279	06/27/2001	Marcellino Tanumihardja	IVEN129358	5240

52531 7590 08/23/2007  
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EXAMINER
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WINDER, PATRICE L

ART UNIT	PAPER NUMBER
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2145

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/894,279	<b>Applicant(s)</b> TANUMIHARDJA ET AL.	
	<b>Examiner</b> Patrice Winder	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-55,59-61 and 64-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55,59-61 and 64-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5-11-2007</u> . | 6) <input type="checkbox"/> Other: <u>CD directory from 11-10-05</u> .                  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. An election restriction based on original presentation was made on January 26, 2006. Applicant replied with a traversal of the restriction for various reasons. However, the traversal is moot because applicant amended the independent claims to include response aggregation.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 28, 55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amendments to claim language filed by applicant on November 10, 2005 introduces new matter. The new matter is specifically, the "steps/means for detecting a wireless-device". Applicant asserts that pages 6-7 of the provisional application 60/282,381 disclose "steps/means for detecting a wireless-device". The examiner disagrees for at least the following two reasons. First, Applicant is reminded that according to 37 CFR 1.57(c) an incorporation by reference of "essential matter" can only

refer to a US patent or US Patent Application Publication. Applicant's provisional application is neither. Therefore, Applicant's incorporation by reference would be improper. Second, pages 6-7 fail to support the concept of "detecting a wireless-device" being equivalent to receiving a message and response event aggregation. Pages 6-7 disclose receiving messages, without any mentioning of the "detecting". Detecting is broader concept than "receiving messages", in order to claim the feature, Applicant would have to disclose "detecting" in the application.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 59 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 59 depends on cancelled claim 56.

6. Claims 1, 28 and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims include the clauses "includes but is not limited to" nested within the claim "includes but is not limited to". The nesting renders the claims indefinite because a feature without limit is being defined by another feature without limit.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-4, 6-7, 9-16, 18-21, 23-26, 28-31, 33-34, 36-43, 45-48, 50-53, 55, 59-61, 64-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamtgaard et al., USPN 6,430,624 B1 (hereafter referred to as Jamtgaard) in view of Thro et al., USPN 6,147,977 (hereafter referred to as Thro).

10. Regarding claims 1 and 28, Jamtgaard taught a method comprising:

detecting a wireless device (information appliances 15, column 7, lines 13-17, column 5, lines 3-6), wherein said detecting the wireless device includes but is not limited to detecting a communication associated with the wireless device (column 7, lines 13-17) wherein detecting the communication associated with the wireless device

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includes but is not limited to receiving a message associated with the wireless device (receiving a request from the wireless device) and

detecting a wireless-device capability in response to said detecting the wireless device (column 7, lines 17-26; column 4, lines 58-66). Jamtgaard does not specifically teach receiving a response aggregation. However, Thro taught receiving a response aggregation (column 3, lines 7-16; column 9, lines 58-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Thro's response aggregation in Jamtgaard's method for detecting a wireless device would have conserved system resources. The motivation would have been to prevent the message originator from being inundated with low priority responses (column 9, lines 58-65).

11. Regarding dependent claims 2 and 29, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a WML capable browser (column 4, line 66-column 5, line 6).

12. Regarding dependent claims 3 and 30, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a Compact HTML capable browser (column 4, line 66-column 5, line 6).

13. Regarding dependent claims 4 and 31, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a Pocket IE HTML capable browser (column 4, line 66-column 5, line 6).

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14. Regarding dependent claims 6 and 33, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a commercially available browser (column 4, line 66-column 5, line 6).

15. Regarding dependent claims 7 and 34, Jamtgaard taught said detecting a commercially available browser comprises: associating a mark-up language with a detected Pocket IE browser (column 4, line 66-column 5, line 6, column 8, lines 30-35).

16. Regarding dependent claims 9 and 36, Jamtgaard taught said detecting a commercially available browser comprises: associating a mark-up language with a detected Palm Query Application browser (column 4, line 66-column 5, line 6, column 8, lines 30-35).

17. Regarding dependent claims 10 and 37, Jamtgaard taught wherein said detecting a wireless-device capability comprises: detecting the wireless-device capability via scanning of a Hyper Text Transfer Protocol (http) header (column 8, lines 30-35).

18. Regarding dependent claims 11 and 38, Jamtgaard taught presenting, in response to the detected wireless-device capability, a message at least partially in audible-presentation form, visual-presentation form, or tactile-presentation form (column 8, lines 47-61).

19. Regarding dependent claims 12 and 39, Jamtgaard taught said presenting, in response to the detected wireless-device capability, a message at least partially in audible-presentation form, visual-presentation form, or tactile-presentation form comprises:

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formulating message data into a wireless-device-capability-specific message via use of at least one wireless-device-capability-specific file set (column 7, line 48-column 8, line 15).

20. Regarding dependent claims 13 and 40, Jamtgaard taught said formulating message data into a wireless-device-capability-specific message via use of at least one wireless-device-capability-specific file set comprises: retrieving at least one wireless-device-capability-specific XSL file set (column 7, lines 48-58).

21. Regarding dependent claims 14 and 41, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a WML capability-specific XSL file set (column 4, line 66-column 5, line 6).

22. Regarding dependent claims 15 and 42, Jamtgaard taught wherein said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a CHTML capability-specific XSL file set (column 4, line 66-column 5, line 6).

23. Regarding dependent claims 16 and 43, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a Pocket IE HTML capability-specific XSL file set (column 4, line 66-column 5, line 6).

24. Regarding dependent claim 18 and 45, Jamtgaard taught said formulating message data into a wireless-device-capability-specific message via use of at least one wireless-device-capability-specific file set comprises:

utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate browser (column 8, lines 4-17).



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25. Regarding dependent claims 19 and 46, Jamtgaard taught said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises:

utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a WML capable browser (column 8, lines 4-17).

26. Regarding dependent claims 20 and 47, Jamtgaard taught said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises:

utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a CHTML capable browser (column 4, line 66-column 5, line 6, column 8, lines 4-17).

27. Regarding dependent claims 21 and 48, Jamtgaard taught said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises:

utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a Pocket IE HTML capable browser (column 4, line 66-column 5, line 6 and column 8, lines 4-17).

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28. Regarding dependent claims 23 and 50, Jamtgaard taught said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises:

retrieving at least one wireless-device-capability-specific XSL file set (column 7, lines 48-63).

29. Regarding dependent claims 24 and 51, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a WML capability-specific XSL file set (column 4, line 66-column 5, line 6).

30. Regarding dependent claims 25 and 52, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a CHTML capability-specific XSL file set (column 4, line 66-column 5, line 6).

31. Regarding dependent claims 26 and 53, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a Pocket IE HTML capability-specific XSL file set (column 4, line 66-column 5, line 6).

32. Regarding claim 55, Jamtgaard taught a system (column 4, lines 34-36) comprising: circuitry for detecting a wireless device (column 7, lines 13-17; column 5, lines 3-6), wherein said circuitry for detecting the wireless device includes but is not limited to circuitry for detecting a communication associated with the wireless device (column 7, lines 13-17) wherein detecting the communication associated with the wireless device includes but is not limited to circuitry for receiving a message associated with the wireless device (receiving a request from the wireless device) said

circuitry selected from an electrical-circuitry group including electrical circuitry having at least one discrete electrical circuit, electrical circuitry having at least one integrated circuit, electrical circuitry having at least one application specific integrated circuit, electrical circuitry forming a general purpose computing device configured by a computer program, electrical circuitry forming a memory device, and/or electrical circuitry forming a communications device (column 4, lines 39-47); and circuitry for detecting a wireless-device capability (column 7, lines 17-26; column 4, lines 58-66), said circuitry response to said circuitry for detecting the wireless-device, said circuitry selected from an electrical-circuitry group including electrical circuitry having at least one discrete electrical circuit, electrical circuitry having at least one integrated circuit, electrical circuitry having at least one application specific integrated circuit, electrical circuitry forming a general purpose computing device configured by a computer program, electrical circuitry forming a memory device, and/or electrical circuitry forming a communications device (column 4, lines 39-47). Jamtgaard does not specifically teach receiving a response aggregation. However, Thro taught receiving a response aggregation (column 3, lines 7-16; column 9, lines 58-65). For motivation for combination see claim 1, above.

33. Regarding dependent claims 59 and 64, Jamtgaard taught said detecting a communication associated with the wireless device comprises: transmitting a message associated with the wireless device (column 7, lines 1-12).

34. Regarding dependent claims 60 and 65, Thro taught transmitting a message associated with the wireless device comprises: transmitting the message associated with a response aggregation (column 3, lines 7-16).

35. Regarding claims 66, 69, 70, Jamtgaard taught a method comprising:  
detecting a wireless-device capability (column 7, lines 17-26; column 4, lines 58-66). Jamtgaard does not specifically teach detecting a wireless-device response aggregation event. However, Thro taught detecting a wireless-device response aggregation event (column 3, lines 7-16; column 9, lines 58-65). For motivation for combination see claim 1, above.

36. Regarding dependent claim 67, Thro taught said detecting a wireless-device response aggregation event comprises: detecting an operation related to a response aggregation drawn upon a message (column 3, lines 64-67; column 4, lines 1-12).

37. Regarding dependent claim 68, Thro taught said detecting a wireless-device response aggregation event comprises: detecting a signal related to a response aggregation drawn upon a message (acknowledgement signal, column 3, lines 7-16).

38. Claims 5, 17, 22, 27, 32, 44, 49, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamtgaard-Thro in view of Didier Martin, Adapting Content for VoiceXML.

39. Regarding dependent claims 5 and 32, Jamtgaard taught said detecting a wireless-device capability comprises: detecting a XML capable browser (column 4, line 66-column 5, line 6).

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40. Regarding dependent claims 17 and 44, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a XML capability-specific XSL file set (column 7, lines 48-58).

41. Regarding dependent claims 22 and 49, Jamtgaard taught wherein said utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a browser comprises: utilizing the at least one wireless-device-capability-specific file set in conjunction with an XML representation of the message to create a message appropriate to a XML capable browser (column 8, lines 4-17).

42. Regarding dependent claims 27 and 54, Jamtgaard taught said retrieving at least one wireless-device-capability-specific XSL file set comprises: retrieving a XML capability-specific XSL file set (column 7, lines 48-63).

43. As to dependent claims 5, 17, 22, 27, 32, 44, 49 and 54, Jamtgaard does not specifically teach voice XML. However, Martin taught translating XML into voice XML (paragraphs 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made that substituting Martin's adapting XML content into voice XML content would have improved system effectiveness. The motivation would have been to transform the messages into a format that the recipient device can perceive (Martin, paragraphs 1-2).

44. Claims 8 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamtgaard-Thro in view of Phone.com, Press Release: GVC Licenses Phone.com Up.browser Microbrowser for Mobile Phones in Asia and Europe.

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45. Regarding dependent claims 8 and 35, Jamtgaard taught said detecting a commercially available browser comprises: associating a mark-up language with a detected browser (column 8, lines 25-35). Jamtgaard does not specifically teach the browser is an Up.browser. However, Phone.com taught Up.browser (paragraph 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Phone.com's Up.browser in Jamtgaard's system for content delivery would have improved system effectiveness. The motivation would have been to better provide wireless Internet services (Phone.com, paragraph 3).

### ***Response to Arguments***

46. Applicant's arguments with respect to claims 1-55, 59-61, 64-70 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

47. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patrice Winder  
Primary Examiner  
Art Unit 2145

August 20, 2007

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